

## REMARKS

Applicants have thoroughly considered the Examiner's remarks in the October 15, 2007 final Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment B amends claims 1, 29, 37, 47, 51, 59 and 64 and cancels claims 8, 21, 23-28, 49, 52, 55-58, 60-62, 66, and 68-72. No new matter has been added.

Claims 1, 2, 5-20, 22, 29, 30, 33-39, 40-43, 45-47, 49-52, 53, 54, 59, 63-65, and 67 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

**In summary, the independent claims, as amended, are allowable because the cited art does not make obvious (1) postponing additional requests for metadata from a metadata provider until after a delay time interval has elapsed; (2) submitting a request for metadata for a song associated with an album and receiving metadata for each song associated with the album; and (3) representing increasing levels of granularity for characterizing the media content using 3 fields of a data structure.**

### Information Disclosure Statement

Applicants request that the Examiner consider the Supplemental Information Disclosure Statement filed on October 8, 2007.

### Claim Rejection Under 35 U.S.C. § 103

Claims 1-2, 5-7, 9-30, 33-38, 40-43, 45-47, 50-52, 55-56, 59 and 61-75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer et al., U.S. Pub. App. No. 2001/0031066 (hereinafter "Meyer"), in view of Srivastava et al., U.S. Pat. No. 6,549,922 (hereinafter "Srivastava"), and further in view of Berkun et al., U.S. Pub. App. No. US 2002/0103920 (hereinafter "Berkun").

Meyer teaches media objects embedded with identifiers. An identifier associated with each media object (e.g., each audio file) is extracted and sent to a server that maps the identifier to an action such as returning metadata. Meyer discloses a number of ways to associate the identifier with an audio object (Meyer, paragraph [0013]) and describes the encoding and decoding of the identifier (Meyer, paragraph [0014]).

Srivastava teaches the automatic extraction and transformation of metadata into logical annotations (Srivastava, Abstract). Srivastava discloses storing the media and associated XML document containing the annotations in database (Srivastava, column7, lines 63-67; column 8, lines 27-36).

Berkun teaches a method for calculating a relevancy score by a full-text relevancy ranker. (FIG. 11) The relevancy score is based **categorized** metadata. (Berkun, page 8, paragraph 75). The relevancy score is used by the relevancy ranker to rank documents returned in search results. (Berkun, page 8, paragraph 76).

### (1) Assigning identifier values from a pre-defined pool of identifier values

*Claims 1,29,37,47*

Claim 1 as amended recites:

populating a request data structure, said request data structure comprising a request type identifier defining a type for the computer storage medium, a request identifier, and a plurality of metadata elements stored with the media content file;

requesting metadata for the media content file from a metadata provider via the populated request data structure, wherein, in response to receiving the populated request data structure, the metadata provider searches for the requested metadata in a database based on the received plurality of metadata elements and identifies the relevant metadata from the search results;

**receiving a return data structure** from the metadata provider, said return data structure **storing** a return type identifier defining the type for the computer storage medium, the request identifier, identified relevant metadata corresponding to the requested metadata, **a delay time interval**; and

**postponing additional requests for metadata until after the delay time interval has elapsed.**

On page 22 of the Office action, the Examiner admits that Meyer, Srivastava, and Berkun do not teach or disclose a delay time interval and cites Glaser et al., U.S. Pub. App. No. 2006/0271989 (hereinafter "Glaser") as disclosing "a return data structure comprises a delay time interval, and further comprising postponing additional requests for metadata until after the delay time interval has elapsed." However, Glaser does not teach a delay time interval and instead teaches a system for streaming audio to a client from a server using buffers so that the client does not run out of data. (Glaser, page 12, paragraph 99). The **audio control center (server) continues to stream high quality data** until the buffers fall beneath a certain percentage of

maximum capacity (e.g., 60%) when **the subscriber PC (client) transmits a "normal quality" signal** to the audio control center to indicate that the audio control center should **discontinue transmitting data from the high quality audio bank and resume transmitting data from the normal quality audio bank**. (Glaser, page 12, paragraph 99). And, once the buffer has remained at or near maximum capacity for a predetermined amount of time (or the frequency of dropout flags is sufficiently low), the process is repeated so that high quality data can be periodically combined with normal quality data. (Glaser, page 12, paragraph 99). In other words, the audio control center (server) **does not stop sending audio data in response receiving a "normal quality" signal from the client**, instead the audio control center (server) just transmitting normal quality data. Thus, Glaser does not teach a delay time interval as recited in claim 1.

The Glaser reference, alone or in combination with the other cited references, does not teach or suggest **receiving a return data structure ... storing ... a delay time interval and postponing additional requests for metadata until after the delay time interval has elapsed** as recited in claim 1. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. (*KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07). However, in this rejection, neither the **element of a return data structure ... storing ... a delay time interval** nor the **result of postponing additional requests for metadata until after the delay time interval has elapsed** is not found in the combined art. Thus, Applicants submit that claims 1 is allowable and the rejection should be withdrawn. Furthermore, claims 29, 37 and 47 have been similarly amended as claim 1 and are allowable for at least the same reasons as claim 1. Claims 2, 5-20, 22, 30, 33-36, 38, 39, 40, 41, and 49 depend from claims 1, 29, 37 and 47, respectively, and are allowable for at least the same reasons as claims 1, 29, 37 and 47.

## **(2) Submitting a request for metadata for a song**

*Claims 43, 64*

Claim 43 recites:

a request type identifier defining a type for a destination computer storage medium storing the media content, **said media content being one song from a plurality of songs associated with an album**;  
 a request identifier; and  
 one or more **metadata elements stored with the media content**, wherein, in response to the receipt of the data structure, the second computing device **returns metadata for the each of the plurality of songs associated with the album**.

On page 8 of the Office action, the Examiner asserts that column 8, lines 37-49 and the corresponding table of Srivastava teach a request including metadata stored with media content where the media content is **one song from a plurality of songs associated with an album** and receiving in return **metadata for the plurality of songs associated with the album**. However, Srivastava teaches mapping "elements of the XML document which contain the location annotation metadata into the corresponding schema used by the database." (Srivastava, column 8, lines 37-38). The schema, shown in table in column 8, illustrate metadata for a single track, not all tracks for an album. Furthermore, Srivastava is silent with respect to receiving a request for a song associated with an album and returning metadata for each song for the album. Thus, Srivastava does not teach a request and response as recited in claim 43.

Advantageously, by returning the metadata for an entire album when the metadata for a single song of the album was requested enables efficient use of the network. For example, the media player stores the album information in a local cache and on subsequent requests for metadata for other tracks, the client requests the metadata from the local cache instead of the metadata provider. (Srivastava, page 23, paragraph 74). If CDs have an average of fifteen tracks, this method improves performance by greater than fifteen times for users who have full CDs. (Srivastava, page 23, paragraph 74).

Thus, the Srivastava, alone or in combination with the other cited references, does not teach or suggest a request including **metadata elements stored with the media content being one song from a plurality of songs associated with an album and returning metadata for the each of the plurality of songs associated with the album** as recited in claim 43. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to

produce no more than predictable results. (*KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07). However, in this rejection, neither the **element** of **metadata elements stored with the media content being one song from a plurality of songs associated with an album** nor the **result** of **returning metadata for the each of the plurality of songs associated with the album** is not found in the combined art. Thus, Applicants submit that claims 43 is allowable and the rejection should be withdrawn. Furthermore, claim 64 has been similarly amended as claim 43 and is allowable for at least the same reasons as claim 43. Claims 45, 46, 63-65 and 67 depend from claims 43 and 64, respectively, and are allowable for at least the same reasons as claims 43 and 64.

### **(3) Representing increasing levels of granularity for characterizing the media content**

*Claims 51, 59*

Claim 51 as amended recites:

a first field storing a content identifier value, said first field having a label of WMContentID, said content identifier value being a GUID value **representing a performance of a particular work as it relates to a collection**, said performance being embodied in the media content;

a second field storing a collection identifier value, said second field having a label of WMCollectionID, said collection identifier value being a GUID value representing **a single physical medium of the collection wherein the physical medium represented by the WMCollectionID includes the performance represented by the WMContentID**; and

a third field storing a group identifier value, said third field having a label of WMCollectionGroupID, said group identifier value being a GUID value **representing a plurality physical medium of the collection**, wherein the single physical medium represented by the WMCollectionID is one of the plurality of physical medium of the collection associated with the WMCollectionGroupID and said **first, second, and third fields represent increasing levels of granularity for characterizing the media content.**

The data structure includes a first field (e.g., WMContentID) storing a content identifier value, a second field (e.g., WMCollectionID) storing a collection identifier value, and a third field (e.g., WMCollectionGroupID) storing a group identifier value (paragraph [0080]; FIG. 8). The first, second, and third fields **represent different levels of granularity for identifying the media content** (paragraph [0080]). Advantageously, **the specific namespace identifiers** described herein (FIG. 8 and FIG. 9) provide granularity in characterizing the media content

(paragraph [0081]) For example, WMContentID represents the performance of a particular work as it relates to a specific collection (e.g., an album).

On pages 18 and 19 of the Office action, the Examiner asserts that column 8, lines 37-49 and the corresponding table of Srivastava teach a data structure includes a first field (e.g., WMContentID) storing a content identifier value, a second field (e.g., WMCollectionID) storing a collection identifier value, and a third field (e.g., WMCollectionGroupID) storing a group identifier value where the first, second, and third fields **represent different levels of granularity for identifying the media content**. And, as the Examiner contends on page 19 of the action, Srivastava teaches ACDA\_Audio\_CD\_ARTIST as a collection of songs on a CD from one artist. However, Srivastava is silent with respect to a second field storing a collection identifier value, said second field having a label of WMCollectionID, said collection identifier value being a GUID value representing **a single physical medium of the collection wherein the physical medium represented by the WMCollectionID includes the performance represented by the WMContentID**. Thus, Srivastava does not teach WMCollectionID as recited in claim 51.

Thus, Srivastava, alone or in combination with the other cited references, does not teach or suggest **WMCollectionID** as recited in claim 51. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. (*KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07). However, in this rejection, neither the **elements of WMCollectionID** nor the **result of the physical medium represented by the WMCollectionID includes the performance represented by the WMContentID** is not found in the combined art. Thus, Applicants submit that claims 51 is allowable and the rejection should be withdrawn. Furthermore, claim 64 has been similarly amended as claim 51 and is allowable for at least the same reasons as claim 51. Claims 52-54, and 63 depend from claims 51 and 59, respectively, and are allowable for at least the same reasons as claims 51 and 59.

### Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

**Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.**

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416 for  
Robert M. Bain, Reg. No. 36,736  
SENNIGER POWERS LLP  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

RMB/BAW/cjl